

By: Senator(s) Hopson, Polk, Branning,
Butler (36th), Butler (38th), Parks

To: Appropriations

SENATE BILL NO. 3026
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE OFFICE OF STATE AID ROAD CONSTRUCTION OF THE
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2024.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is appropriated out of any money in the State Treasury
7 to the credit of the Office of State Aid Road Construction Fund,
8 for the purpose of defraying the expenses of the Office of State
9 Aid Road Construction of the Mississippi Department of
10 Transportation for the fiscal year beginning July 1, 2023, and
11 ending June 30, 2024.....\$ 210,120,434.00.

12 **SECTION 2.** Of the funds appropriated under the provisions of
13 this act, the following positions are authorized:

14 AUTHORIZED HEADCOUNT:

15 Permanent: 54
16 Time-Limited: 0

17 With the funds herein appropriated, it shall be the agency's
18 responsibility to make certain that funds required for Personal



19 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
20 appropriated for that purpose unless programs or positions are
21 added to the agency's Fiscal Year 2024 budget by the Mississippi
22 Legislature. The Legislature shall determine the agency's
23 personal services appropriation, which the State Personnel Board
24 shall publish. The agency's personal services appropriation may
25 consist of restricted funds for approved vacancies for Fiscal Year
26 2024 that may not be utilized for active Fiscal Year 2023
27 Headcount. It shall be the agency's responsibility to ensure that
28 the funds provided for vacancies are used to increase headcount
29 and not for promotions, title changes, in-range salary adjustments
30 or any other mechanism for increasing salaries for current
31 employees. It is the Legislature's intention that no employee
32 salary falls below the minimum salary established by the
33 Mississippi State Personnel Board.

34 Additionally, the State Personnel Board shall determine and
35 publish the projected annualized payroll costs based on current
36 employees. It shall be the responsibility of the agency head to
37 ensure that actual personnel expenditures for Fiscal Year 2024 do
38 not exceed the data provided by the Legislative Budget Office. If
39 the agency's Fiscal Year 2024 projected cost exceeds the
40 annualized costs, no salary actions shall be processed by the
41 State Personnel Board except for new hires determined to be
42 essential for the agency.



43 Any transfers or escalations shall be made in accordance with
44 the terms, conditions, and procedures established by law or
45 allowable under the terms set forth within this act. The State
46 Personnel Board shall not escalate positions without written
47 approval from the Department of Finance and Administration. The
48 Department of Finance and Administration shall not provide written
49 approval to escalate any funds for salaries and/or positions
50 without proof of availability of new or additional funds above the
51 appropriated level.

52 No general funds authorized to be expended herein shall be
53 used to replace federal funds and/or other special funds used for
54 salaries authorized under the provisions of this act and which are
55 withdrawn and no longer available.

56 None of the funds herein appropriated shall be used in
57 violation of the Internal Revenue Service's Publication 15-A
58 relating to the reporting of income paid to contract employees, as
59 interpreted by the Office of the State Auditor.

60 **SECTION 3.** Of the funds appropriated in Section 1 of this
61 act, it is the intention of the Legislature that an amount not to
62 exceed Five Hundred Thousand Dollars (\$500,000.00) is authorized
63 to be expended from funds received from the Mississippi
64 Development Authority as reimbursements for actual expenses
65 incurred by the Office of State Aid Road Construction for
66 administering and providing engineering services to political
67 subdivisions as authorized under Section 65-4-15, Mississippi Code



68 of 1972. Any such funds shall be deposited into the Office of
69 State Aid Roads Administrative Fund for the fiscal year beginning
70 July 1, 2023, and ending June 30, 2024.

71 **SECTION 4.** Of the funds appropriated in Section 1, it is the
72 intention of the Legislature that an amount not to exceed Thirty
73 Million Dollars (\$30,000,000.00) is authorized to be expended for
74 the purpose of replacement of structurally deficient bridges on
75 the Local System Bridge Program (LSBP).

76 **SECTION 5.** It is the intention of the Legislature that the
77 Office of State Aid Road Construction shall maintain complete
78 accounting and personnel records related to the expenditure of all
79 funds appropriated under this act and that such records shall be
80 in the same format and level of detail as maintained for Fiscal
81 Year 2023. It is further the intention of the Legislature that
82 the agency's budget request for Fiscal Year 2025 shall be
83 submitted to the Joint Legislative Budget Committee in a format
84 and level of detail comparable to the format and level of detail
85 provided during the Fiscal Year 2024 budget request process.

86 **SECTION 6.** In compliance with the "Mississippi Performance
87 Budget and Strategic Planning Act of 1994," it is the intent of
88 the Legislature that the funds provided herein shall be utilized
89 in the most efficient and effective manner possible to achieve the
90 intended mission of this agency. Based on the funding authorized,
91 this agency shall make every effort to attain the targeted
92 performance measures provided below:



93		FY2024
94	<u>Performance Measures</u>	<u>Target</u>
95	Administrative	
96	Percent of Administrative Costs as	
97	Compared to Construction Costs	4.00
98	Percent of State Aid Construction Funds	
99	Allocated to Counties	95.00
100	Number of Projects Let to Contract	175
101	Percent of Personnel Devoted to	
102	Construction Programs	81.00
103	Federal Percent of Total Project Fund	
104	Obligations	35.00
105	Construction	
106	Percent Increase in Total Miles Paved	1.00
107	Percent of Total State Aid Funds	
108	Available Programmed or Obligated to	
109	Projects	75.00
110	Number of State Aid Projects Let to Contract	75
111	Number of Federal Projects Let to Contract	5
112	Number of State Aid Projects Completed	30
113	Number of Federal Projects Completed	20
114	Average Number of Days from Initiation	
115	to Completion of a Fed Project	450
116	Number of Bridges Replaced or Repaired	85
117	Number of Structurally Deficient Bridges	



118	on the State Aid System	5,000
119	Average Cost of a State Aid/Federal	
120	Bridge Project	1,550,000.00
121	Local System Bridge	
122	Percent Change in Deficient LSBP Bridges	3.00
123	Average Number of Active LSBP Projects	
124	Per County	1.00
125	Percent of LSBP Funds Available	
126	Programmed or Obligated to Projects	85.00
127	Number of LSBP Projects Let to Contract	55
128	Number of LSBP Projects Completed	70
129	Number of LSBP Bridges Replaced or Repaired	70
130	Number of Eligible Deficient LSBP Bridges	5,000
131	Average Number of Days From Initiation	
132	to Completion of a LSBP Project	450
133	Percent of Counties Utilizing All of	
134	Their Available LSBP Funds	30.00
135	Percent of Bridges Eligible for LSBP Funds	10.00
136	A reporting of the degree to which the performance targets	
137	set above have been or are being achieved shall be provided in the	
138	agency's budget request submitted to the Joint Legislative Budget	
139	Committee for Fiscal Year 2025.	

140 **SECTION 7.** With the funds appropriated in this act, the
141 Office of State Aid Road Construction shall notify members of the
142 Mississippi Senate and House of Representatives upon the award of



143 projects within their respective districts and at least five (5)
144 days prior to a public ceremony announcing the award of any grant
145 in their district or any public announcement or ceremony regarding
146 the groundbreaking or opening of a facility, roadway or bridge for
147 which the Legislature has made funds available. Any signage
148 regarding any public event or any new facility, roadway or bridge
149 shall include the following language: "Funds were made available
150 for this project by the Mississippi State Legislature." The
151 signage shall further state the four-year legislative term in
152 which the project was funded.

153 **SECTION 8.** It is the intention of the Legislature to
154 authorize the State Aid Engineer to utilize funds available to the
155 Office of State Aid Road Construction, from any source herein
156 appropriated or made available by the counties or any other
157 source, to pay for costs necessary to comply with the National
158 Bridge Inspection Standards and the Federal Highway
159 Administration's requirements for bridge inspections and/or
160 special studies necessary to comply with federal laws. The State
161 Aid Engineer shall follow the same procedures as have heretofore
162 been established by Sections 65-9-9, 65-9-15 and 65-9-17,
163 Mississippi Code of 1972, for payment of such costs. The Office
164 of State Aid Road Construction may accept, budget and expend these
165 funds subject to and in accordance with rules and regulations of
166 the Department of Finance and Administration in a manner
167 consistent with the escalation of federal or state funds.



168 **SECTION 9.** It is the intention of the Legislature that in
169 the letting of contracts for which the Office of State Aid Road
170 Construction administers and provides engineering services to
171 political subdivisions under the Economic Development Highway Act,
172 bids may be made from the lowest and best bidder after advertising
173 for competitive sealed bids once in a newspaper published or
174 having a circulation in the county or municipality where the
175 contract will be performed, and the date published for the bid
176 opening may be not less than seven (7) working days after the
177 advertisement is published.

178 **SECTION 10.** It is the intention of the Legislature that
179 whenever two (2) or more bids are received by this agency for the
180 purchase of commodities or equipment, and whenever all things
181 stated in such received bids are equal with respect to price,
182 quality and service, the Mississippi Industries for the Blind
183 shall be given preference. A similar preference shall be given to
184 the Mississippi Industries for the Blind whenever purchases are
185 made without competitive bids.

186 **SECTION 11.** It is the intention of the Legislature that the
187 funds herein appropriated shall be expended in compliance with
188 Section 27-104-25, Mississippi Code of 1972, that no state agency
189 shall incur obligations or indebtedness in excess of their
190 appropriation and that the responsible officers, either personally
191 or upon their official bonds, shall be held responsible for
192 actions contrary to this provision.



193 **SECTION 12.** With the funds appropriated herein, the Office
194 of State Aid Road Construction is authorized to make payment for
195 expenses incurred during Fiscal Years 2020 as follows:

196		Amount	Service Date	Fiscal Year
197	Joyce V. Presley	\$ 826.00	05/11/2020	FY2020
198	Beverly P. Shelton	\$ 825.98	05/11/2020	FY2020
199	Danny R. Presley	\$ 825.98	05/11/2020	FY2020
200	Darryl W. Presley	\$ 825.98	05/11/2020	FY2020
201	RLI Insurance Company	\$8,855.85	05/11/2020	FY2020

202 **SECTION 13.** The money herein appropriated shall be paid by
203 the State Treasurer out of any money in the State Treasury to the
204 credit of the proper fund or funds as set forth in this act, upon
205 warrants issued by the State Fiscal Officer; and the State Fiscal
206 Officer shall issue his warrants upon requisitions signed by the
207 proper person, officer or officers, in the manner provided by law.

208 **SECTION 14.** This act shall take effect and be in force from
209 and after July 1, 2023.

